

**D STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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IRA HEASTON,

Plaintiff,  
-against-

THE CITY OF NEW YORK,  
P.O. JOSEPH ESSIG,  
DET. RAMON PORTILLO,  
P.O. AMANDA LORBER f/k/a AMANDA MUROLO,  
Defendants.

**PLAINTIFF'S PROPOSED  
FINDINGS OF FACTS**

19-CV-5569 (PKC)(VMS)

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The Plaintiff IRA HEASTON, proposes the following findings of facts and conclusions of law:

1. Plaintiff commenced this action for violation of his civil rights (42 U.S.C. §1983) arising from his arrest on April 26, 2019.

2. Plaintiff retained the services of attorney Vik Pawar with respect to the litigation of his false arrest claim.

3. Plaintiff was not made aware that a lawsuit had actually been filed on his behalf [*Hearing Tr.*, 36-40]. He became aware of the actual suit on or about June 23, 2020 [*Hearing Tr.*, 3-191:1].

4. Plaintiff was unaware of the nature of any exhibits the attorney chose to attach to the complaint. [*Hearing Tr.*, 36-40; 186:3-194:1].

5. Plaintiff signed a notice of claim regarding his claim of being falsely arrested on April 26, 2019, however plaintiff was not the source of some of the contents of the notice of claim, which were not factual [*Hearing Tr.*, 59:12-64:16; 186:18-188:24].

6. During the pendency of the action Plaintiff received no documents, mail or e-mail from his attorney, except for a check on the amount of \$2,000.00 [*Hearing Tr.*, 76-77:19].

7. In early August 2020 Plaintiff was informed by attorney Pawar of allegations being made by Margaret Kirkland. Upon being informed of the allegations he authorized the attorney to withdraw the lawsuit. *[Hearing Tr., 78:79:17; 197:3-198:3].*

8. Attorney Pawar was unable to determine that the person depicted in wanted poster photo from a surveillance film, resembled the plaintiff. *[Hearing Tr., 165:1-12; 200:18-201:4].*

9. The filing of the lawsuit was partly based upon a letter from the District Attorney dismissing the criminal case arising from plaintiff's arrest.

Respectfully submitted,

Dated: South Hempstead, New York  
November 10, 2020

/s/ *Garnett H. Sullivan*  
**GARNETT H. SULLIVAN, ESQ.**  
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